

TAB 3

1 IN THE UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF DELAWARE

3 WILLIE DAVIS, JR.,)
4 NATHANIEL BRIDDELL,)
5 GEORGE W. FEDDIMAN,)
6 JOSEPH GARRISON,)
7 Plaintiffs,)
8 - vs -) C.A. No. 04-0414
9)
10 MOUNTAIRE FARMS, INC.,)
11 MOUNTAIRE FARMS OF)
12 DELMARVA, INC., and)
13 MOUNTAIRE FARMS OF)
14 Defendants.)
15 -----
16
17 Deposition of JOSEPH GARRISON, taken before
18 Pamela C. Washington, Registered Professional Reporter
19 and Notary Public, at the law offices of Young,
20 Conaway, Stargatt & Taylor, 110 West Pine Street,
21 Georgetown, Delaware, on January 14, 2005, beginning
22 at 10:00 a.m.
23 -----
24
25 APPEARANCES:

18 On behalf of the Plaintiffs:
19 Margolis Edelstein
20 BY: JEFFREY K. MARTIN
21 and KERI L. WILLIAMS, ESQ.
22 1509 Gilpin Avenue
23 Wilmington, Delaware 19806

24 On behalf of the Defendants:
25 Shawe Rosenthal
26 BY: ARTHUR M. BREWER, ESQ.
27 and LAURA A. PIERSON SCHEINBERG, ESQ.
28 20 South Charles Street 11th Floor
29 Baltimore, Maryland 21201

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 P.O. Box 99 Milford, Dela

Garrison - Brewer

1 A Yes.

2 Q Okay. You're also responsible for
3 maintaining the full crew, aren't you?

4 A Yes, I am.

5 Q You also have responsibility for
6 maintaining a good relationship with the growers,
7 aren't you?

8 A Yes.

9 Q And you basically are telling the
10 catchers, we went through this, how to go about
11 setting up the house and catching them, and watching
12 for smothers and everything else, right?

13 A Yes.

14 Q Okay, that's fine. All right, now, who
15 hires the catchers?

16 A Doug Lynch.

17 Q Doug Lynch? Okay. Have you ever
18 recommended to Mr. Lynch that a catcher be hired?

19 A Yes.

20 Q And has the catcher been hired?

21 A Sometime. Sometime he not.

22 Q Can you give me the name of catchers
23 that you have recommended to Mr. Lynch who have not
24 been hired?

25 A Yes.

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Garrison - Brewer

1 Q Okay.

2 A I'm trying to think. I mean it's not
3 that many I know of right off. I know the only thing
4 I know maybe one of them, one of them like Woodell
5 Foreman, I recommend him one time, but it's -- he's
6 just been there before and he just didn't hire him
7 back, that's all.

8 Q Let me sort of zero in on this now a
9 little. The time that I'm referring to about
10 referring somebody, that's only since you have been a
11 crew leader, I'm not interested in when you were a
12 catcher, okay? So since you have been a crew leader,
13 you recommended Mr. Foreman?

14 A At one time I have, yes.

15 Q And he had worked at the company
16 previously?

17 A Before, yes.

18 Q And how did he come not to be employed
19 by the company, if you know?

20 A Repeat that.

21 Q Was he fired?

22 A I don't know.

23 Q But he worked before and Mr. Lynch said
24 no?

25 A Right, yes.

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Garrison - Brewer

1 Q How many people have you recommended to
2 Mr. Lynch be hired and he has hired them?

3 A Rough guess, maybe three.

4 Q Three? Okay. Three or four, something
5 like that?

6 A Yes.

7 MR. MARTIN: For the record, he said
8 three.

9 MR. BREWER: He said three, all right.

10 BY MR. BREWER:

11 Q Is it three, or could it be more?

12 A No, definitely couldn't be more.

13 Q How did you go about making that
14 recommendation to Mr. Lynch?

15 A I just asked him that I probably needed
16 another man, and I like you look to hire this guy.

17 Q Okay.

18 A And he asked me just bring him in, get
19 him signed up.

20 Q That's what he told you?

21 A Yeah.

22 Q So in the three cases that we have
23 talked about, you have needed a man, gone to Mr. Lynch
24 and said, "I need a man, and I have this fellow," and
25 you have given him a name, and he has said, "Okay,

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Garrison - Brewer

1 A Got you.

2 Q If you go to paragraph 26, please,
3 which is on the next page.

4 A Yes.

5 Q It speaks to, in paragraph 26th, it
6 says the defendant, which again is the company,
7 followed and enforced and continued to follow and
8 enforce a corporate policy and practice of partial day
9 deduction in that any partial time taken off from
10 normal working hours by any of the plaintiffs, such as
11 yourself, okay, other than established holidays was
12 deducted from their pay. All right, let's stop at
13 that point.

14 A All right.

15 Q Can you tell me, this is a partial day,
16 this is if you're going to take off a half a day,
17 shall we say, okay?

18 A Yes.

19 Q You need to take off a half a day, and
20 it's not a holiday and it's not a sick day.

21 A Right.

22 Q Is it your testimony that you do not
23 receive your full salary for that week if you take
24 half a day off?

25 A No.

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Garrison - Brewer

1 Q That's not your testimony?

2 A No.

3 Q You do receive your full salary if you
4 take a half a day off?

5 A If I have to go to the doctor or
6 something like that, yes.

7 Q You get your full salary?

8 A Yes.

9 Q Okay. And if you have to do something
10 else, if it's not the doctor, if it's something else,
11 if you take any less than a full day off, your salary
12 for the week remains the same, does it not? Your
13 paycheck for the two weeks that you get paid remains
14 the same?

15 A Yes, yes.

16 Q Thank you. Okay. Let's see, let's go
17 to the next one which would be paragraph 27 of the
18 Complaint. This speaks to, and you can read it, I
19 won't read it into the record, it's part of the
20 record, this says that you would receive a reduction
21 in the amount of your compensation because of
22 violations in the quantity of the work performed.

23 Was your salary ever reduced because of
24 the quantity of the work you performed?

25 A I'm trying to think. What are you on,

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Garrison - Brewer

1 Q What time?
2 A I'm thinking it was 9:00 o'clock, I
3 think.

4 Q Now, did you recognize a vehicle owned
5 by the defendant's upper management circling the
6 parking lot?

7 A Yes.

8 Q Did you see that?

9 A Yes.

10 Q Who was driving the vehicle?

11 A Phil Owens.

12 Q Phil Owens was driving the vehicle?

13 A Yes.

14 Q And you saw him circling in the parking
15 lot?

16 A Yes.

17 Q Now, what makes you think it was about
18 your lawsuit?

19 A I don't know, good question.

20 Q This is prior to Mr. Martin's letter,
21 isn't it?

22 A Right.

23 Q Mr. Owens had no idea anything was
24 going on?

25 A I don't know that.

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Garrison - Brewer

1 Q Well, it's prior to Mr. Martin's
2 letter?

3 A Yes.

4 Q So what you see is Mr. Owens driving
5 around --

6 A Yes.

7 Q -- at a diner that is open to the
8 public? People can come in there and have breakfast,
9 anybody?

10 A Yes.

11 Q Okay. So what you see is him driving
12 around, and that's what you're referring to here?

13 A Yes.

14 Q You're sure it was Mr. Owens?

15 A I think it was Mr. Owens, yes.

16 Q Is that the only time that this is
17 referring to?

18 A Yes.

19 Q Okay. What kind of car did you see
20 Mr. Owens driving?

21 A I think it was a gray car.

22 Q What kind?

23 A Ford, Mountaire Ford.

24 Q A gray Mountaire Ford?

25 A Yes.

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